

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS
State Building Code Appeals Board
Docket No. 05-417

BOARD'S RULING ON APPEAL

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator
State Building Code Appeals Board
BBRS/Department of Public Safety
One Ashburton Place - Room 1301
Boston, MA 02108

William Starck)
Appellant,)
)
v.)
)
State Building Official, Jeffrey Putnam)
Appellees)

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 1017.4 of the Massachusetts State Building Code ("MSBC") relating to door hardware for the property at 400 Faunce Corner Rd., North Dartmouth, MA, 02747, known as the Bristol County Sheriff's Office. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on June 26, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the Bristol County Sheriff's Office was the Appellant, William Starck. Also present were John Wojciechowicz, Doug Mason, and Jeffery Putnam.

Decision: Following testimony, and based upon relevant information provided, Board members voted to grant a variance to the referenced 780 CMR, Section 1017.4 on the condition that training manuals for the correctional facility show that the two egress doors in question open inward and not in the direction of egress travel as would typically be required by the code.

☐..... Granted

☐..... Denied

☐..... Rendered Interpretation

XXX.....Granted with conditions (see below)

☐..... Dismissed

The vote was:

XXX.....Unanimous

☐..... Majority

Reasons for Variance:

Testimony was presented relating to a two unit detention facility at the Bristol County Sheriff's Office.

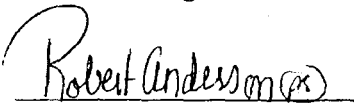
The Appellant submitted 2 exhibits depicting the layout of the facility. Exhibit 1 depicted the first floor plan of the facility and Exhibit 2 depicted an enlarged plan of one of the egress areas which is the subject of the appeal.

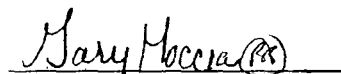
The Appellant explained that each unit of the facility was designed to meet the requirements of 103 CMR 920.08, which defines criterion for Multiple Occupancy Areas for County Correctional Facilities. Additionally, the Appellant indicated that each unit has been provided with a means of egress through a recreation yard; a second means of egress from each unit has been provided by the use of an area of refuge which is the other unit; and access from one unit to the other is through a "processing area".

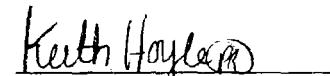
The Appellant further indicated that inmates are brought to the facility through a sally port which leads to the processing area. Then inmates are escorted to one of the two subject units. Doors #10 and 17 swing into the units (the building code requires that these egress doors swing out). These doors are typically locked for security reasons. Release of the doors is controlled by either by key or electronically by a correctional officer.

Following testimony, a motion was made by Gary Moccia to grant the variance to 780 CMR, Section 1017.4 to allow the door arrange as indicated in Exhibits 1 and 2. The motion was conditioned to require facility training manuals to clearly indicate that the referenced egress doors open inward and not in the direction of egress travel as is typically required by the code. The motion was seconded by Keith Hoyle. Board members indicated that credible evidence; including the fact that the facility is fully equipped with a functioning sprinkler system installed in accordance with provisions of 780 CMR and associated referenced standards, and the facility is appropriately staffed by corrections officers.

The following members voted in the above manner

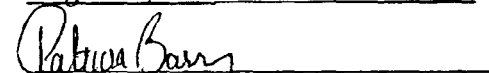

Chairman -Rob Anderson


Gary Moccia


Keith Hoyle

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: August 20, 2007


Patricia Barry, Clerk

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.